

S/N 10/729,424

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. O'Phelan et al.

Examiner: Eric Thomas

Serial No.: 10/729,424

Group Art Unit: 2831

Filed: December 5, 2003

Docket: 279.171US3

Title: IMPLANTABLE HEART MONITORS HAVING FLAT CAPACITORS WITH
CURVED PROFILES



TERMINAL DISCLAIMER

Commissioner for Patents

MS: Amendment

P.O. Box 1450

Alexandria, VA 22313-1450

I, Peter C. Maki, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on December 5, 2003. I am making this petition on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Cardiac Pacemakers, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/729,424) and to U.S. Patent Nos. 6,674,634 and 6,522,525. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for all three of these applications. The assignment for U.S. Patent No. 6,522,525 was recorded on April 2, 2001 on Reel 011668, Frames 0600-0603, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 10/729,424) is a continuation of U.S. Patent No. 6,674,634, which is a division of U.S. Patent No. 6,522,525.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cardiac Pacemakers, Inc., seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent Nos. 6,674,634 and 6,522,525. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent Nos. 6,674,634 and 6,522,525 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Nos. 6,674,634 and 6,522,525 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), is reissued, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Fee Status

Authorization to charge Deposit Account No. 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL J. O'PHELAN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH,
P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date

1/03/05

By

Peter C. Maki

Peter C. Maki

Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4 day of January, 2005.

Name

Paula Sutor

Signature

Paula Sutor